

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLE BROECKER, *et al.*, on behalf of
themselves and all other similarly situated
employees of the New York City Department of
Education,

INDEX NO. _____

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, CITY OF NEW YORK, MEISHA
PORTER, in her official and individual capacities,
UNITED FEDERATION OF TEACHERS, LOCAL
2, AMERICAN FEDERATION OF TEACHERS,
AFL-CIO, MICHAEL MULGREW, in his official
and individual capacities, JOHN DOE #1-10, in
their official and individual capacities; and JANE
DOE #1-10 in their official and individual
capacities,

**AFFIDAVIT OF
NICOLE BROECKER IN
SUPPORT OF THE
PLAINTIFFS' MOTION FOR
A TEMPORARY
RESTRANING ORDER AND
PRELIMINARY
INJUNCTION**

Defendants.

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STATE OF NEW YORK)
) ss.
COUNTY OF _____)

NICOLE BROECKER, being duly sworn, deposes, and states under penalty of perjury
that:

1. I am the lead Plaintiff in this Action. I have not received a COVID-19 vaccine. I
am a tenured teacher with the New York City Department of Education ("NYCDOE"). I offer
this Affidavit based upon my personal knowledge and conversations I have had with my fellow
NYCDOE employees who have not received a COVID-19 vaccine.

2. Despite being a tenured teacher with N.Y. Education Law § 3020-a statutory
rights, like other tenured teachers, tenured principals, tenured assistant principals, and tenured

paraprofessionals, we have been suspended without pay since October 4, 2021 because we have not taken a COVID-19 vaccine.

3. The NYCDOE tenured principals, tenured assistant principals, tenured teachers, and tenured paraprofessionals have not received any written charges nor have we received a right to a hearing before the NYCDOE suspended us without pay.

4. The NYCDOE imposed a penalty of suspension without pay without complying with N.Y. Education Law § 3020-a.

5. I, and others similarly situated, have been suspended without any due process. The NYCDOE simply removed us from our positions without notice, charges, or a hearing.

6. The NYCDOE is disciplining us without providing us with our procedural due process rights.

7. On behalf of the Plaintiffs and all others similarly situated, I am requesting that the Court grant the Plaintiffs a Temporary Restraining Order and a Preliminary Injunction, restoring our pay and barring the NYCDOE from terminating our employment without due process.



Nicole Broecker

Sworn before me on this
16 day of November 2021

Notary Public

